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|-----------------|-------------|----------------------|---------------------|------------------|
| 10/511,432      | 10/22/2004  | Masaaki Maikuma      | 108419-00065        | 8394             |

4372 7590 01/18/2008  
ARENT FOX LLP  
1050 CONNECTICUT AVENUE, N.W.  
SUITE 400  
WASHINGTON, DC 20036

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| EXAMINER |
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HAQ, NAEEM U

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3625

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|-------------------|---------------|
| NOTIFICATION DATE | DELIVERY MODE |
|-------------------|---------------|

01/18/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com  
IPMatters@arentfox.com  
Patent\_Mail@arentfox.com

## Office Action Summary

**Application No.**

10/511,432

**Applicant(s)**

MAIKUMA ET AL.

**Examiner**

Naeem Haq

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see "Remarks" pages 6-8, filed October 3, 2007, with respect to the rejection(s) of claim(s) 1-8 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of King et al. (US 2003/0110104 A1).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "predetermined coefficient". It is unclear to the examiner what this limitation means. The specification does not provide any guidance to one of ordinary skill in the art about the meaning or value of this limitation. For examination purposes, the examiner will assume that this is a constant coefficient with a value equal to one.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by King et al. (US 2003/0110104 A1) ("King").**

King teaches a product ordering system for supplying products from a production source to a plurality of dealers in response to orders requesting supply of the products, which are placed by the plurality of dealers, according to an order in which the orders are placed, comprising:

- estimated sales quantity-setting means for setting in advance an estimated sales quantity of the products to be sold during a predetermined time period, for each of the dealers (paragraph [0073]):

*"Customers 2 generate and transmit forecasted demands 24 for components to a supply chain server 20 (step S400). Forecasted demands 24 preferably comprise thirteen week periods. Forecasted demands 24 are received and validated by the supply chain server 20, for example, by comparing the forecasted demands with the customer's 2 prior order history and/or contractual agreements between the customer 2 and a supplier 4 (step S402)."*);

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- upper limit value-setting means for setting an upper limit value of an order quantity during the predetermined time period, for each of the dealers, according to the set estimated sales quantity and a predetermined coefficient (paragraph [0094]: *"Further, the supply chain server 20 compares quantities of components included in customer demand pulls 60 with any restrictions or limitations on customer ordering, for example, a predefined "cap" placed to limit customer demands. A customer cap may be necessary in the event that customer demands in forecasted demands 24 exceed available VMI inventory 12."*);
- ordering means for placing the orders for the products from the plurality of dealers with the production source (paragraph [0097]: *"Moreover, the supply chain server 20 transmits order acknowledgements to customers 2, thereby informing customers 2 that their orders have been received and are being processed."*);
- cumulative order quantity-calculating means for calculating a cumulative order quantity during the predetermined time period, for each of the dealers, based on the orders placed by said ordering means (paragraph [0093]: *"Preferably, the supply chain server 20 consolidates demands by customer part numbers and ship-to addresses when VMI inventory 12 ships less frequency than the demand pulls 60 are received. For example, if the VMI inventory 12 ships twice weekly and customer's 6 demand pulls are received three times weekly, then customer demands for the VMI inventory 12 are preferably consolidated."*); and
- order quantity-limiting means for limiting orders for the products in excess of the limit value by the dealer, by comparing the calculated cumulative order quantity and the upper limit value with each other (paragraph

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[0098]: "A shortage containment process is invoked which provides for demand that exceeds a customer cap and/or available inventory. Depending on a variety of factors, including, for example, suppliers' shortage containment processes, the specific VMI inventory 12 in question, the customers 2 demanding the VMI inventory 12, and registration information received by the supply chain server 20 directed to suppliers 4, global logistics providers 18 and customers 2, the supply chain server 20 determines appropriate business processes to handle the shortage.").

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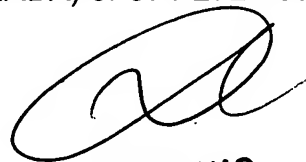
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 12, 2008



NAEEM HAQ  
PRIMARY EXAMINER